

SEP 06 2000

FEDERAL ELECTION COMMISSION
999 E Street, N.W.
Washington, D.C. 20463

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COMMISSION
SECRETARIAT

2000 SEP -6 A 10: 06

FIRST GENERAL COUNSEL'S REPORT

RAD REFERRAL: 00NF-03
DATE ACTIVATED: 08/14/00

SENSITIVE

STAFF MEMBER: Michael Scurry

SOURCE: Internally Generated

RESPONDENTS: American Federation of Government
Employees' Political Action Committee
Bobby L. Harnage, Treasurer

RELEVANT STATUTE(S): 2 U.S.C. § 434(a)(4)(B)
11 C.F.R. § 104.5(c)(3)(i)

INTERNAL REPORTS CHECKED: Disclosure Reports
Referral Materials

FEDERAL AGENCIES CHECKED: None

I. GENERATION OF MATTER

The Reports Analysis Division ("RAD") referred the American Federation of Government Employees' Political Action Committee ("the Committee"), and Bobby L. Harnage, as treasurer (collectively "Respondents"), to the Office of General Counsel on June 15, 2000. The basis of the RAD referral is the failure of the Committee to file its 1999 December Monthly Report in a timely manner.¹

¹ The Committee subsequently filed its 1999 December Monthly Report on February 16, 2000. It should be noted, the Committee also filed its 2000 February Monthly Report four business days late. This late filing did not satisfy the RAD criteria for referral to the Office of General Counsel.

II. FACTUAL AND LEGAL ANALYSIS

Based on the Factual and Legal Analysis, see Attachment 1, this Office recommends the Commission find reason to believe the Respondents violated 2 U.S.C. § 434(a)(4)(B).

III. DISCUSSION OF CONCILIATION AND CIVIL PENALTY

This Office also recommends that the Commission offer to enter into conciliation with the Respondents prior to a finding of probable cause to believe. Attached for the Commission's approval is a proposed conciliation agreement (Attachment 2).

IV. RECOMMENDATIONS

1. Open a MUR.
2. Find reason to believe American Federation of Government Employees' Political Action Committee and Bobby L. Harnage, as treasurer, violated 2 U.S.C. § 434(a)(4)(B), and enter into conciliation prior to a finding of probable cause to believe.
3. Approve the attached Factual and Legal Analysis and conciliation agreement, and the appropriate letter.

Lawrence M. Noble
General Counsel

9/5/00
Date

BY: 
Lois G. Lerner
Associate General Counsel

Attachments:


1. Factual and Legal Analysis
2. Proposed agreement



FEDERAL ELECTION COMMISSION
Washington, DC 20463

MEMORANDUM

TO: Office of the Commission Secretary

FROM: Office of General Counsel 

DATE: September 6, 2000

SUBJECT: 00NF-03- First General Counsel's Report

The attached is submitted as an Agenda document for the Commission Meeting of _____

Open Session _____

Closed Session _____

CIRCULATIONS

SENSITIVE ☒
NON-SENSITIVE ☐

72 Hour TALLY VOTE ☒

24 Hour TALLY VOTE ☐

24 Hour NO OBJECTION ☐

INFORMATION ☐

DISTRIBUTION

COMPLIANCE ☒

Open/Closed Letters ☐
MUR ☐
DSP ☐

STATUS SHEETS ☐
Enforcement ☐
Litigation ☐
PFESP ☐

RATING SHEETS ☐

AUDIT MATTERS ☐

LITIGATION ☐

ADVISORY OPINIONS ☐

REGULATIONS ☐

OTHER ☐

2007-2004-402-1905